

Prepared for: Federal Communications Commission  
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Washington DC 20554

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Date: 3/9/06

Re: CGB-CC-0037

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In response to the OPPOSITION TO THE PETITION FOR EXEMPTION FROM CLOSED CAPTIONING REQUIREMENTS FILED BY THE ULTIMATE COMBAT EXPERIENCE, Submitted by Telecommunications for the Deaf and Hard of Hearing, Inc., the National Association of the Deaf, the Deaf and Hard of Hearing Consumer Advocacy Network, and the Hearing Loss Association of America, I submit as follows: (In effort to make sense, I will respond chronologically to their Opposition.)

**I. INTRODUCTION**

UCE recognizes and appreciates the efforts of these fine organizations. UCE fully understands and supports their efforts in what they are trying to accomplish. Respectfully, however, we submit the Opposition has failed to demonstrate how UCE does not meet the Exemption of 'Undue Burden' as provided under Section 79.1(d)(8) of the Commission's Rules.

**II. THE LEGAL STANDARD FOR GRANTING A PETITION FOR EXEMPTION**

UCE respectfully submits it has addressed each and every one of the four factors to be considered by the Commission.

1. The Nature and Cost of Closed Captioning: Was clearly outlined in our Petition, and was supported by MANY attachments such as brochures, and pamphlets provided by the many companies we spoke with regarding Closed Captioning. (Exhibit #2 Brochure from Visual data Media Services & Affidavit #9 Price Quotes of Closed Captioning Services.)
2. The Impact of the Provider or Program Owner: Financial Statements and staffing details clearly demonstrate the impact the financial burden would have on our organization.
3. The financial resources of the program owner. Detailed financial statements were provided with the Petition.

4. The type of operations of the provider or program owner. Detailed Media Kit, and an ACTUAL promotional dvd of our program was provided with the application.

**III. PETITIONER HAS PRESENTED INSUFFICIENT INFORMATION TO DEMONSTRATE THAT COMPLIANCE WITH THE CAPTIONING REQUIREMENT WOULD IMPOSE AN UNDUE BURDEN**

While I am flattered by the Oppositions assertion that I am '*Not only a fight promoter, but is in fact a sophisticated and multi-faceted entertainment company*', they couldn't be any farther from the truth. While we try to wear many hats and provide the most professional production in town, we fail in many areas. This is not to imply we don't make every effort to do so. Simply, we do not have the man power to accomplish many of the things we hope to one day be able to do.

**Opposition asserts;** *Petitioner sells tickets to UCE "events" for between \$15 and \$50 per person* WITH OUR PETITION, WE PROVIDED A TYPICAL EVENT AUDIT DEMONSTRATING EXACTLY WHAT TICKET SALES TO OUR EVENTS GENERATE IN REVENUE.

**Opposition asserts;** *sells a line of clothing related to UCE* IN THREE YEARS, I THINK WE HAVE SOLD 3 SHIRTS. WE HAVE GIVEN MANY AWAY AS PROMOTIONAL ITEMS-BUT SALES HAVE BEEN LESS THAN DESIRED.

**Opposition asserts;** *actively sells advertisements which are placed on the ring, banners and verbally mentioned during the fights,* WE HAVE NO SALES STAFF. MY SALES TEAM CONSISTS OF....ME. A DETAILED EVENT AUDIT INCLUDED IN MY PETITION DETAILED REVENUE CREATED THROUGH SPONSORSHIPS. WITHOUT THE LIMITED SPONSORS WE DO HAVE, WE WOULDN'T BE IN BUSINESS.

**Opposition asserts;** *and broadcasts UCE over at least on satellite and local Salt Lake City UPN affiliate KPNZ.* YES, WE DO BROADCAST ON TELEVISION. THAT IS THE PURPOSE OF THIS PETITION. THE SATELLITE FEEDS ARE THROUGH OTHER MARKETS THAT CARRY KPNZ'S SIGNAL. THERE IS NO ADDITIONAL REVENUE BEING CREATED HERE. (WE ARE CURRENTLY ATTEMPTING TO SELL OUR PRODUCT TO BROADCASTERS IN OTHER PARTS OF THE COUNTRY/WORLD. WE ARE FINDING LIMITED SUCCESS IN THIS AREA.)

**Opposition asserts;** *the Petitioner offers insufficient evidence to demonstrate that compliance would impose an undue burden.* CLEARLY, THE OPPOSITION HAS NOT REVIEWED MY PETITION, WHICH IS AVAILABLE FOR REVIEW AT THE COMMISSION'S REFERENCE

CENTER. THERE IS MORE THAN ENOUGH PROOF OF THE UNDUE BURDEN IN MY PETITION.

**A. Exemption Criteria Under Section 79.1(f)(2)**

1. **Opposition asserts;** I did not seek competitive pricing from multiple sources: Clearly they did not review the Petition. SEVERAL sources were quoted.
2. **Opposition asserts;** I did not submit copies of the correspondence received from such companies, indicating a range of quotes: SEVERAL sources were quoted and copies of correspondences were provided in the Petition.
3. **Opposition asserts;** I did not provide details regarding its financial resources: I don't know how more detailed I can get, than to provide ACTUAL copies of my P&L, ADP Pay Statement, Event Audits, and agreements.
4. **Opposition asserts;** *I did not seek any means to recoup the cost of Closed Captioning, such as grants or sponsorships.* It is clearly stated in my Petition that we did, in fact, seek to recoup the cost of Closed Captioning, to no avail.
5. **Opposition asserts;** *"Moreover, the Commission has determined that Petitioners must make an effort to solicit captioning assistance from the distributors of it's programming."* WE GET ABSOLUTELY NO SUPPORT FROM THE STATION THAT AIRES OUR SHOW. THEY PROVIDE US WITH NO PRODUCTION BUDGET, AND HAVE, IN FACT, THREATENED TO STOP AIRING OUR SHOW IF WE ARE NOT ABLE TO PROCURE CLOSED CAPTIONING CAPABILITIES, OR OBTAIN THE WAIVER WE SEEK, ON OUR OWN. THEY HAVE EMPHATICALLY REFUSED TO ASSIST US IN ANY WAY IN ATTEMPTS TO PROCURE CLOSED CAPTIONING.
6. **Opposition asserts;** *Petitioner fails to demonstrate that it made a good faith effort to seek competitive pricing for captioning from multiple sources. Petitioner provides evidence that it exchanged correspondence with companies capable of Closed captioning UCE. While these documents include figures for services that appear related to Closed Captioning television programs, they offer insufficient narrative for the Commenters or Commission to accurately determine what types of services have been quoted.* Once again, it is clear the Opposition has not reviewed the Petition which is available for review at the Commission's Reference Information Center. Had they, they would have found extensive research done by the Petitioner. They detail what the quotes are for, and services offered by those companies.
7. **Opposition asserts;** *At least one captioning provider later quotes \$70 per half hour for this technique. However Petitioner insists that Closed Captioning cannot be accomplished for less than 33% of it's \$5,000 weekly budget.* They were clearly quoting one element of the Closed Captioning process. I am surprised at the apparent lack of familiarity with

the process, the Opposition is trying to feign. I did not feel it necessary to offer an explanation for this price, as it was clear they were not talking about the entire Closed Captioning process. Believe me, if I could get Closed Captioning done for that price, I wouldn't be writing this response right now.

8. **Opposition asserts;** *Thus while there is some evidence that Petitioner made contact with providers of Closed Captioning services, the documents submitted do not demonstrate that Petitioner made a reasonable good faith effort to provide these parties with technical information necessary to generate an accurate quote.* I guess I should have listed the countless phone conversations I had with these companies in effort to demonstrate how much time and effort was really invested in this effort. Aside from those calls, I would again encourage the Opposition to review my Petition. Therein they will find the brochures and pamphlets detailing costs and services of the companies we contacted.
9. **Opposition asserts;** *It would have required minimal effort for Petitioner to provide concise narrative explaining the figures included in these documents.* I spent an entire week putting this Petition together. I made every effort to make it as clear and concise as possible. Each and every vendor has contact information on our correspondences, should any questions or need for verification arise. Again, I believe that had Opposition taken the time to review the Petition, they would have found what they were looking for.
10. **Opposition asserts;** *Petitioner, moreover, did not provide sufficient information regarding the financial resources upon which it relies to produce its video program.....Petitioner's publicly accessible website portrays UCE as a phenomenon with average attendance of 300 paying customers.* Petitioner provided so much information, that a representative of the FCC called to see if I wanted to provide such personal information. They suggested that some of my personal financial information be concealed. I asked that they conceal nothing. I am an open book. I want there to be no question as to the validity of my claims. Once again, Opposition would have seen this had they reviewed the Petition. As for my publicly accessed web site, would Opposition rather I spell out my dismal financial situation to those we are trying to sell our show to? I don't think that would be a very good business strategy. I also note that Opposition makes claims that are erroneous. Nowhere on my site, does it state we have an average attendance of 300 PAYING customers. While some nights are better than others, it is common knowledge in the sporting event that typically 1/3 of your audience is comped for promotional purposes, or through sponsors offering spiffs to employees etc. Once again, a copy of an event audit was provided for review by the Commission. We have certainly enjoyed some nights when a paid capacity crowd has attended. Other nights, we have to give the show away. All those figures were outlined in our financial statements.

11. **Opposition asserts;** *Advertisement packages are offered by Petitioner for weekly rates ranging from \$312 up to \$1,250. While these streams of revenue clearly generate significant income, Petitioner fails to make reference to them in his petition.*

A. While we offer them for that price, we rarely get that price. I am our ENTIRE sales staff. I would like to dedicate more time to sponsor sales, but am often sidetracked with administrative duties such as this response.

B. I did, in fact, make reference to them in my Petition. Had Opposition reviewed the Petition, they would have seen this.

12. **Opposition asserts;** *Further, Petitioner fails to state whether it has other means to recoup the cost of captioning, such as sponsorships or grants. I asserted we have made several attempts to procure private donations or sponsorships to offset the cost of Closed Captioning. At the time of submission of our Petition, I felt it would not be prudent to list those with which we attempt to do business, or the means in which we have attempted to do that business. Rather, I have provided references to validate my reputation as one who is honorable and trustworthy. Those listed, are individuals I work closely with. Some of them are charged with regulating my business. Others are peers, which are intimately familiar with how I do business. At your urging, however, I will provide you with just a few of the MANY people/organizations we contacted in effort to procure sponsorships for this endeavor.*

Salt City Jail-Oscar

Century Martial Arts-Administration

Ringside Sports-Joe Taylor

Combat Sports International-Greg

Kool Kats- Dennis Atandi

Summit Fitness-Rick Bailey

Southern Exposure-Kent Bangerter

Jump Mobile-John Bell

Rocky Mountain Sanitation-Dale Bennett

Custom Fit Nutrition-Demarco Blewitt

Coors-Rhino Booth

High Ridge Construction-Alan Bott

Sandy Station-Hugh Brown

Johnson Construction-Johnny Riche

KPNZ-Wayne Casa

Redman Lighting-Bryan Clifton

Salt Lake County-Mike Colby

94.9 The Blaze-Krehl Coleman

Cutrubus Motors-Kord Cutrubus

Utopia-Cory Draper

Market Street-Lonnie Foster

Stateline Casino-Eddie Hadeed

Rio Custom Woodworking-Dave Hale

Ultimate Sound-Shane Heavyrunner  
Playerz Club-Phil Henderson  
Grappling Magazine-Todd Hester  
Budweiser-Jerry Holman  
American Bush-Brandon Jensen  
Nate Wade Subaru-Mike Johnson  
Elite Nutrition-Ted Joiner  
Club 90-Mike Kampro  
Big O Tire-Chris Keiver  
Mo's Bar & Grill-Mo Khodadad  
Kinkos-Erin  
Knight Adjustment Bureau-Brad Knight  
Data Tix-Ana Knighton  
Pets-N-Such-Nick Kuhn  
Golden Trails-Wayne Kunkle  
.....And Many, Many More.

13. **Second Factor**-This has all been addressed above. For some reason, Opposition has drawn the conclusion that I am lying about my financial status. He has presented absolutely no evidence to indicate I have a dishonest reputation, or that can he refute any claim I have made regarding my finances. He has taken the fact that I have designed a professional looking web site, and Marketing Kit, and villanized me for it. There is no basis or foundation for any of his claims.

Make no mistake, We are a professional organization. We run a very professional show. A review of our promotional material and our web site should give you an indication of the professional manner in which we conduct our business. We make every effort to make our show the best show on television. We are not trying to paint ourselves as a volunteer organization. While many individuals give a great deal of their time to make this show happen, we believe it is for a good cause. You may not agree with that point, but we are very passionate about what we do. As are the many volunteers who help us do it. The sport of MMA is a blossoming sport in mainstream America. However, it has been a lifelong passion for those involved in our show.

14. **Third Factor-Undue Burden**-Once again Opposition has not reviewed the Petition. I am our sales staff. I am also, our production manager, marketing manager, fight coordinator, web site administrator, accountant, etc., etc., etc. Perhaps the Opposition has a difficult time trying to fathom what it must be like to try to run an organization by yourself. It would appear that they have the benefit of secretaries, and legal aids, and couriers, etc. I do not. I wish I could sell 3 commercials a week at \$500.00 per spot. The reality is, I may sell three a month at \$50.00 per spot. Just because that's the asking price, doesn't mean you will get it. We have been moved to a 3:30 am time slot. How much do you think those spots are worth? Not so much.

15. **Fourth Factor-NO RESPONSE**

III. **CONCLUSION** Again, I sincerely admire the efforts of these fine organizations which are represented by counsel in this matter. However, I am personally offended at the attacks on my personal integrity regarding my financial statements and the manner in which I conduct business, by their counsel. I wish I had the budget the Opposition in this matter state I have. If I did, I would have been able to hire a big time attorney to respond to their allegations. I don't. Rather, I have had to take a day apart from my busy schedule to defend my good name, and to speak the truth. I honestly and truly wish I could afford to provide Closed Captioning for my show. I feel terrible thinking there may be somebody not able to fully enjoy our show due to a disability. It is my hope and desire that the action will speak for itself, and those with hearing disabilities will be able to find some entertainment in what we do. I wish those charged with acting as advocates for the hearing impaired would recognize and appreciate we suffer from an ailment as well. We do not have the financial capabilities to provide closed captioning, or many of the other production elements we would like. I sincerely hope that one day we will. With God as my witness, we will provide closed captioning, if and when we can. I ask that you give me the tools to achieve that goal, by not placing an undue burden upon me at this juncture. Doing so, would literally crush the dreams of a lot of people. We would be....'Out of Business.'

When I wrote the Petition for exemption, I continuously asked myself, 'Is there something I'm missing?' 'Is there more I can do to make this petition complete?' After reading the Opposition, I am convinced I have done everything I could. Each and every allegation made by them would have been clearly answered had they only reviewed the Petition. I can comfortably rest knowing even an opponent of my position couldn't raise an objection that I hadn't provided an answer for. I find it ironic that they spent so much time on my web site, and didn't bother to take the time to personally review my petition. I note their return address is in Washington DC. It would not have taken much effort for them to do so.


I would like to thank you very much for your time in this matter. I know you are charged with a very difficult task of wanting to provide Closed Captioning for the hearing impaired, while fairly and judiciously examining the burden placed upon independent producers like myself. It must be a difficult task.

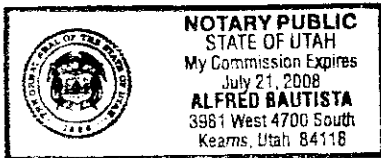
Thank you again, and I eagerly await your decision.

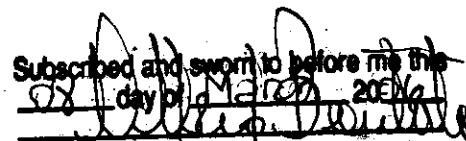
Respectfully,

Mike Stidham

I, Mike Stidham, solemnly swear that the contents of the foregoing document, my response to Opposition of Petition for Exemption are true and accurate to best information, knowledge, and belief of the undersigned.

  
Signed



Subscribed and sworn to before me this  
08 day of March 2008  
  
Notary Public Residing at  
Salt Lake City, Utah



RESPONSE TO OPPOSITION OF PETITION FOR EXEMPTION BY ULTIMATE  
COMBAT EXPERIENCE (CGB-CC-0037).

Petitioner opposes the consideration by the Commission, the Opposition to the Petition for exemption in this matter, as it is clearly stated that any opposition must be accompanied by affidavit. The Commission further describes the definition of 'Affidavit' as 'a written statement made under oath before an official.'

While Opposition did, in fact sign its submission, it was not done so under oath *BEFORE AN OFFICIAL*.

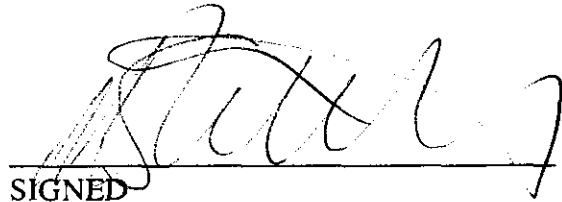
There is no notary seal, nor any other indication that this document was signed before any official.

Respectfully, I submit to the Commission, that Opposition has failed to comply with the Commission's specific directions to support their submission by affidavit, and that the Commission should not consider any arguments contained within their Opposition.

However, should the commission not agree with this argument, I respond to the Opposition on the following pages.

I, Mike Stidham, do hereby certify that, on March 8, 2006, a copy of the Response to the Opposition of Petition for Exemption, by Mike Stidham on behalf of Ultimate Combat Experience as filed with the Federal Communications Commission in CGB-CC-0037, was served by first class U. S. mail, postage prepaid, upon the Opposition:

Paul O. Gagnier  
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SIGNED